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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 UNITED STATES OF AMERICA; STATES OF
16 CALIFORNIA, COLORADO, CONNECTICUT,
17 DELAWARE, FLORIDA, GEORGIA, HAWAII,
18 ILLINOIS, INDIANA, IOWA, LOUISIANA,
19 MICHIGAN, MINNESOTA, MONTANA,
20 NEVADA, NEW JERSEY, NEW MEXICO, NEW
21 YORK, NORTH CAROLINA, OKLAHOMA,
22 RHODE ISLAND, TENNESSEE, TEXAS,
23 VERMONT, AND WASHINGTON; THE
24 COMMONWEALTHS OF MASSACHUSETTS
25 AND VIRGINIA; AND THE DISTRICT OF
26 COLUMBIA,

27 *ex rel. ZACHARY SILBERSHER,*

28 Plaintiffs,

v.

ALLERGAN, INC., ALLERGAN USA, INC.,
ALLERGAN SALES, LLC, FOREST
LABORATORIES HOLDINGS, LTD., ADAMAS
PHARMA, AND ADAMAS
PHARMACEUTICALS, INC.,

Defendants.

Case No.: 3:18-cv-03018-JCS

JOINT CASE MANAGEMENT
STATEMENT

Chief Magistrate Judge Joseph C. Spero

Case Management Conference Date:
October 1, 2021

Time: 12:00 P.M.

Place: Courtroom G, 15th Floor
Phillip Burton Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102

Action Filed: April 25, 2018

1 Pursuant to the Court's June 3 and September 22, 2021 Orders, Dkts. 156 & 157, Plaintiff-
 2 Relator Zachary Silbersher ("Relator"), on behalf of the United States of America and the Plaintiff-
 3 States; and Defendants Allergan, Inc., Allergan USA, Inc., and Allergan Sales, LLC, and Forest
 4 Laboratories Holdings, Ltd. (collectively, "Allergan"); and Adamas Pharma, LLC and Adamas
 5 Pharmaceuticals, Inc. (together, "Adamas") ("Allergan" and "Adamas" together, "Defendants")
 6 (Defendants with Relator, the "Parties"), jointly file this Case Management Statement.¹

7 The Parties refer the Court to the Joint Case Management Statement filed on January 8, 2021
 8 (Dkt. 144) and May 28, 2021 (Dkt. 155), and provide the following case updates pursuant to the
 9 Court's Orders dated June 3 and September 22, 2021 (Dkts. 156 & 157).

10 **1. Case Status Update:**

11 On January 28, 2021, this Court certified its December 11, 2020 Order for immediate appeal.
 12 See Dkt. 147 at 6. On February 8, 2021, Defendants petitioned the United States Court of Appeals for
 13 the Ninth Circuit appealing the Court's decision, and on March 9, 2021, the Ninth Circuit Court of
 14 Appeals accepted Defendants' petition. March 9, 2021 Order, *Silbersher v. Allergan*, No. 21-15420
 15 (9th Cir.) (Dkt. 149).

16 On June 11, 2021, Appellants filed their Opening Brief (No. 21-15420, Dkts. 13 & 15.) On
 17 August 27, 2021, Appellee Silbersher filed its Response Brief. (No. 21-15420, Dkt. 31.) Appellants'
 18 Reply Brief is due October 20, 2021. (No. 21-15420, Dkt. 43.)

19 This case is currently stayed pending the Ninth Circuit's resolution of Defendants' appeal. See
 20 Dkt. 147 at 6. The Parties agree to provide the Court with an updated proposed schedule following a
 21 decision by the Ninth Circuit of Defendants' appeal.

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 27 ¹ Allergan plc was originally named as a defendant but was dismissed pursuant to the stipulation of the
 28 Parties and Court order. See Dkt. 93.

1 Dated: September 24, 2021

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1 Dated: September 24, 2021

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ATTESTATION OF FILER

I, Nicomedes Sy Herrera, attest that I have obtained the concurrence of Defendants' counsel as to the substance of this **JOINT CASE MANAGEMENT STATEMENT**. Messrs. Royall, Partridge, and Hoffman have authorized the use of their electronic signatures on this document.

Dated: September 24, 2021

By: /s/ Nicomedes Sy Herrera
Nicomedes Sy Herrera